

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DEBRA PITTMAN, ROSALYNE R.
SMITH, MARKOS MENDOZA,
RINEO VLIJTER, and
EDITH MARSHALL,

2:09-CV-00878-PMP-GWF

Plaintiffs,

VS.

ORDER

WESTGATE PLANET HOLLYWOOD
LAS VEGAS, LLC, WESTGATE
RESORTS, INC., WESTGATE
RESORTS, LTD., CFI SALES &
MARKETING, LTD., CFI SALES &
MARKETING, LLC, CFI SALES &
MARKETING, INC., DAVID A.
SIEGEL, RICHARD SIEGEL.

Defendant.

The Court having read and considered Plaintiffs' fully-briefed Motion for Partial Class Certification (Doc. #151), and having further considered the arguments of counsel presented at the hearing conducted October 29, 2010, the Court finds that Plaintiffs' Motion for Partial Class Certification (Doc. #151) must be denied.

Specifically, the Court finds that the particular Rule 23 class certification sought by Plaintiffs in this case is incompatible with the already approved FLSA collective action. Moreover, the individualized liability and damages claims of each putative class member predominate and render Rule 23 class action treatment

1 inappropriate.

2 **IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Partial Class
3 Certification (Doc. #151) is DENIED.

4 DATED: November 2, 2010.

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7 PHILIP M. PRO
8 United States District Judge
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